

# Michigan Judges Association

## Founded 1927

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### M E M O R A N D U M

**DATE:** October 18, 2016  
**TO:** Senate Families, Seniors and Human Services Committee  
**FROM:** Honorable Laura Baird, President Michigan Judges Association  
**RE:** HB 4911

At its April 19, 2016 Executive Council meeting, the Michigan Judges Association voted to oppose the substitute for HB 4911 regarding changes to the adoption code, MCL 710.36 and MCL 710.56. Our members are concerned regarding the use of affidavits from the mother when we are required to identify and determine the whereabouts of the child's father prior to the mother's decision to release her parental rights to permit adoption or prior to a step-parent adoption.

While the legislation permits courts to reject the affidavit and receive live testimony, this will only create more delay and the need for additional hearings where the current language is sufficient. Often times, the birth mothers are unable to identify the father for a multiplicity of reasons, and questioning from counsel or the court elicits a number of possible fathers. The due process implications of using an affidavit or verified written declaration in lieu of live testimony are significant, and the additional trial time will merely delay already full dockets. We see no rational basis for relying on written statements despite the "fall back" provision making live testimony merely an option. The current system is not broken and does not need to be changed.

Thank you for your consideration of our position.

Cc: Senator Judy Emmons  
Cami Pendell  
Representative Kathy Crawford